

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SCOTT GRUENWALD,
INDIVIDUALLY AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

CIVIL NO. 19- 2294 (PAM/BRT)

Plaintiff,

v.

THE TORO COMPANY, AND
TORO INTERNATIONAL, INC.,

Defendants.

AND

WILLIAM BROOKS,
INDIVIDUALLY AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

CIVIL NO. 19-2345 (PAM/BRT)

Plaintiff,

v.

SECOND AMENDED JOINT PRETRIAL
SCHEDULING ORDER

THE TORO COMPANY, AND
TORO INTERNATIONAL, INC.,

Defendants.

This matter is before the Court on the parties' Stipulation to Extend Discovery Deadlines. (Doc. No. 44.) For good cause shown, IT IS HEREBY ORDERED that the Pretrial Scheduling Orders (Doc. Nos. 37, 43) are further amended as outline below.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern these proceedings. The schedule may be

modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

DISCOVERY PLAN AND NON-DISPOSITIVE MOTIONS – PHASE ONE

PLEADINGS AND DISCLOSURES

February 1, 2020

All pre-discovery disclosures required by Rule 26(a)(1), including production of documents, shall be completed on or before this date. Any disputes regarding pre-discovery disclosures shall be called immediately to the Court's attention by making an appropriate motion, and shall not be relied upon by any party as justification for not adhering to this Pretrial Scheduling Order.

April 1, 2020

All motions which seek to amend the pleadings or add parties must be served and filed on or before this date and shall include a redlined version reflecting the changes contained in the proposed amended pleading. This deadline does not apply to motions which seek to amend the complaint to add a claim for punitive damages. Such motions must be brought on or before the non-dispositive motion deadline.

DISCOVERY AND NON-DISPOSITIVE MOTIONS

No more than **25 Interrogatories** (counted in accordance with Rule 33), and **50 Document Requests**. Each party shall take no more than **Eight (8)** (excluding expert witness) depositions. The parties anticipate calling up to **Three (3)** expert witnesses per side. Plaintiff shall identify expert witnesses and submit written expert reports on or before **October 2, 2020**. Defendants shall identify expert witness and submit written expert reports on or before **November 2, 2020**.

November 2, 2020 – FACT

All discovery of any kind, including expert depositions, shall be commenced in time to be completed by this date.

November 2, 2020 - EXPERT

Each party shall fully supplement all discovery responses quarterly in accordance with Fed. R. Civ. P. 26(e). Any evidence responsive to a discovery request that has not been disclosed before the trial date, except for good cause shown, shall be excluded from evidence at trial.

November 30, 2020

All non-dispositive motions and supporting documents, including those which relate to discovery and any request for extension of this Pretrial Scheduling Order, shall be served, filed, and HEARD by this date. Prior to scheduling any non-dispositive motion, the parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through a telephone conference with Magistrate Judge Becky R. Thorson. To the extent that formal discovery motions will be filed, non-dispositive motions may be scheduled for hearing by calling Melissa Kruger, Calendar Clerk to Magistrate Judge Thorson, at 651- 848-1210. A reply memorandum not exceeding 1750 words (including footnotes) may be delivered to opposing counsel and the chambers of Magistrate Judge Thorson no later than 9 a.m. on the business day preceding the hearing, so long as the total word count for the original and reply memorandum does not exceed 12,000 words. All non-dispositive motions shall be scheduled, filed, and served in compliance with the Electronic Case Filing Procedures for the District of

Minnesota and in compliance with Local Rules 7.1 and 37.1. When a motion, response, or reply brief is filed on ECF, one paper courtesy copy of the pleading and all supporting documents shall be mailed or delivered to Calendar Clerk, Melissa Kruger, contemporaneously with the documents being posted on ECF.

DISCOVERY PLAN AND NON-DISPOSITIVE MOTIONS – PHASE TWO

Parties shall identify expert witnesses on or before **December 1, 2020**, and submit written expert reports on or before **January 1, 2021**. Identity of rebuttal experts shall be provided on or before February 1, 2021, with rebuttal expert written reports due on or before **March 1, 2021**.

February 1, 2021 – FACT

All discovery of any kind, including expert depositions, shall be commenced in time to be completed by this date. Each party shall fully supplement all discovery responses quarterly in accordance with Fed. R. Civ. P. 26(e). Any evidence responsive to a discovery request that has not been disclosed before the trial date, except for good cause shown, shall be excluded from evidence at trial.

April 1, 2021 - EXPERT

April 1, 2021

All non-dispositive motions and supporting documents, including those which relate to discovery and any request for extension of this Pretrial Scheduling Order, shall be served, filed, and HEARD by this date. Prior to scheduling any non-dispositive motion, the parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through a telephone conference with Magistrate

Judge Becky R. Thorson. To the extent that formal discovery motions will be filed, non-dispositive motions may be scheduled for hearing by calling Melissa Kruger, Calendar Clerk to Magistrate Judge Thorson, at 651- 848-1210. A reply memorandum not exceeding 1750 words (including footnotes) may be delivered to opposing counsel and the chambers of Magistrate Judge Thorson no later than 9 a.m. on the business day preceding the hearing, so long as the total word count for the original and reply memorandum does not exceed 12,000 words. All non-dispositive motions shall be scheduled, filed, and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1 and 37.1. When a motion, response, or reply brief is filed on ECF, one paper courtesy copy of the pleading and all supporting documents shall be mailed or delivered to Calendar Clerk, Melissa Kruger, contemporaneously with the documents being posted on ECF.

SETTLEMENT CONFERENCE, DISPOSITIVE MOTIONS, AND TRIAL

May 1, 2021

All dispositive motions shall be served, filed, and fully briefed by this date. Counsel for the moving party shall call Lynn Magee, Calendar Clerk to Judge Paul A. Magnuson, at 651-848-1150 to schedule the hearing. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1. When a motion, response, or reply brief is filed on ECF, two paper

courtesy copies of the pleading and one paper courtesy copy of all supporting documents shall be mailed or delivered to Calendar Clerk, Lynn Magee, contemporaneously with the documents being posted on ECF. Counsel is forewarned that six to eight weeks advance notice is necessary to place a dispositive motion on the calendar.

July 1, 2021

This case shall be ready for **JURY** trial by this date. The parties estimate that trial of this matter will take **Ten (10)** days.

All other deadlines and requirements in the Court's Pretrial Scheduling Orders (Doc. Nos. 37, 43) remain in full force and effect.

Dated: August 20, 2020

s/ Becky R. Thorson

BECKY R. THORSON

United States Magistrate Judge

Discovery Cut-Off

Phase One

November 2, 2020 – Fact

November 2, 2020 – Expert

Phase Two

February 1, 2021 – Fact

April 1, 2021 - Expert

Non-Dispositive Motions

Phase One

November 30, 2020

Phase Two

April 1, 2021

Dispositive Motion Ends

Phase One

February 1, 2021

Phase Two

May 1, 2021

Jury Trial Date

July 1, 2021